

Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611



Regular Board Meeting Minutes

Thursday, April 18, 2013

10:00 AM

Board Room

Board of Commissioners

Commissioner Michael A. Alvarez, Commissioner Frank Avila, Vice-President Barbara J. McGowan, Commissioner Cynthia M. Santos, Commissioner Debra Shore, Chairman of Finance Mariyana T. Spyropoulos, Commissioner Kari K. Steele, Commissioner Patrick D. Thompson, President Kathleen Therese Meany

THE FOLLOWING PROCEDURES WILL GOVERN THE MEETING PROCESS:

- 1. Board Members who vote "Nay, Present, or Abstain" or have a question on any item may request the item be removed from the Consent Agenda.**
- 2. Citizens in the audience who address the Board on any item may request the item be removed from the Consent Agenda.**
- 3. Items removed from the Consent Agenda are considered separately.**
- 4. One roll call vote is taken to cover all Consent Agenda Items.**

Call Meeting to Order

President Kathleen Therese Meany presiding, called the meeting to order at 10:00 a.m.

Roll Call

Present: 9 - Michael A. Alvarez; Frank Avila; Barbara J. McGowan; Cynthia M. Santos; Debra Shore; Mariyana T. Spyropoulos; Kari K. Steele; Patrick D. Thompson; and Kathleen Therese Meany

Approval of Previous Board Meeting Minutes

A motion was made by Debra Shore, seconded by Frank Avila, that the minutes from the last meeting be approved without having to read them into the record. The motion carried by acclamation. Chorus of ayes - No nays

Recess and Reconvene as Committee of the Whole

A motion was made by Mariyana T. Spyropoulos, seconded by Cynthia M. Santos, to recess and reconvene as a committee of the whole. The motion carried by acclamation. Chorus of Ayes - No Nays

Recess and Reconvene as Board of Commissioners

At 11:50 am. President Kathleen Therese Meany reconvened the regular board meeting to order

Procurement Committee

Report

- | | | |
|---|--------------------------------|---|
| 1 | <u>13-0347</u> | Report of bid opening of Tuesday, April 2, 2013 |
| | | Published and Filed |
| 2 | <u>13-0363</u> | Report of bid opening of Tuesday, April 9, 2013 |
| | | Published and Filed |
| 3 | <u>13-0387</u> | Report on rejection of bids for Contract 12-680-12, Roof Repair Services at the Stickney Water Reclamation Plant and Outlying Areas, estimated cost \$48,500.00 |
| | | Published and Filed |

Authorization

- 4 [13-0345](#) Authorization to accept initial annual rental bid for Contract 12-374- 11 Proposal to Lease for 5-years 2.5 acres of District real estate located at 15680 Canal Bank Road in Lemont, Illinois; part of Main Channel Parcel 23.10 from Hicks Gas, LLC d/b/a Liberty Propane in the amount of \$35,000.00

Attachments: [04-18-13 Hicks Gas.pdf](#)

Approved

- 5 [13-0392](#) Authorization to enter into an agreement for Contract 12-RFP-26 Pharmacy Benefits Management Services, with Envision Pharmaceutical Services, Inc. for a three and one half year period, effective January 1, 2014 to June 30, 2017, Account 101-25000-601250

Attachments: [Pharmacy benefits attachment.pdf](#)

Approved

Authority to Advertise

- 6 [13-0378](#) Authority to advertise Contract 13-107-11 Furnish and Deliver Repairs, Service and Parts for American Sigma/Hach Auto Samplers, Flowmeters and Sampling Accessories, estimated cost \$108,000.00, Accounts 101-16000-612970 and 623570, Requisition 1358225

Approved

- 7 [13-0379](#) Authority to advertise Contract 13-110-11 to Furnish and Deliver Phosphorous Removal Monitoring Equipment, estimated cost \$230,276.00, Account 201-50000-634650, Requisition 1357364

Approved

- 8 [13-0381](#) Authority to advertise Contract 13-023-11 Furnish and Deliver Lab Chemicals to Various Locations for a One (1) Year Period, estimated cost \$65,000.00, Account 101-20000-623570

Approved

- 9 [13-0382](#) Authority to advertise Contract 13-025-11, Furnish and Deliver Plumbing Pipe, Fittings and Valves to Various Locations for a One-Year Period, estimated cost \$258,000.00, Account 101-20000-623090

Approved

- 10 [13-0390](#) Authority to advertise Contract 13-040-11, Furnish and Deliver Computer Supplies to Various Locations, for a One-Year Period, estimated cost \$60,000.00, Account 101-20000-623810

Approved

- 11 [13-0394](#) Authority to advertise Contract 11-054-3P Disinfection Facilities, Terrence J. O'Brien Water Reclamation Plant, estimated cost \$75,875,450.00, Account 401-50000-645650, Requisition 1358932

Approved

Issue Purchase Order

- 12 [13-0351](#) Issue purchase order and enter into an agreement with RedSky Technologies, Inc., for maintenance and upgrades, in an amount not to exceed \$140,840.00, Accounts 101-27000-612820, 623800, Requisition 1358574

Approved

- 13 [13-0385](#) Issue purchase order and enter into an agreement with Avaya Inc., for scheduled and non-scheduled maintenance, programming assistance, and system upgrades for a period of thirty-six (36) months in an amount not to exceed \$1,043,003.64, Accounts 101-27000-612840, 623800, Requisition 1358947

A motion was made by Debra Shore, seconded by Patrick D. Thompson, that this Agenda Item be Approved. The motion carried by the following roll call vote:

Aye: 8 - Frank Avila, Barbara J. McGowan, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Kari K. Steele, Patrick D. Thompson, Kathleen Therese Meany

Abstain: 1 - Michael A. Alvarez

Award Contract

- 14 [13-0383](#) Authority to award Contract 06-212-3M, Calumet TARP Pump Station Improvements at the Calumet Water Reclamation Plant, to Sollitt/Sachi/Alworth Joint Venture, in an amount not to exceed \$35,067,000.00, Account 401-50000-645600, Requisition 1246148

Attachments: [APP D 06-212-3M.pdf](#)

Deleted by the Executive Director

Increase Purchase Order/Change Order

- 15 [13-0350](#) Authority to increase purchase order and amend the agreement with Beveridge & Diamond, P.C. to represent the District in the case of the *United States of America and State of Illinois v. Metropolitan Water Reclamation District of Greater Chicago*; Civil Action No. 1:11-cv-08859 in an amount of \$200,000.00, from an amount of \$1,900,000.00, to an amount not to exceed \$2,100,000.00, Account 101-30000-601170, Purchase Order 3045395

Attachments: [PO 3045395 Beveridge Diamond 4.18.13.pdf](#)

Approved

- 16 [13-0367](#) Authority to increase purchase order and amend the agreement with Vincent M. Mathe, for claims consulting services, in an amount of \$15,000.00, from an amount of \$24,750.00, to an amount not to exceed \$39,750.00, Account 101-30000-601170, Purchase Order 3074730

Approved

- 17 [13-0371](#) Authority to increase purchase order and amend the agreement with Black and Veatch Corporation, for additional professional engineering services for Contract 04-203-4F Final Reservoir Preparation Thornton Composite Reservoir, CSA and Design and Post Award Services for Contract 04-203-AF, Thornton Composite Reservoir - Surface Aeration, CSA, in an amount not to exceed \$625,000.00, from an amount of \$6,070,738.18, to an amount not to exceed \$6,695,738.18, Accounts 401-50000-601420 and 601440, Purchase Order 3066839

Attachments: [CO B&V.PDF](#)

Approved

- 18 [13-0372](#) Authority to increase purchase order and amend the agreement with HNTB Corporation, for professional engineering services for Contract 12-056-5C Farmers-Prairie Creek Flood Control Project- Preliminary Engineering, in an amount of \$15,007.00, from an amount of \$483,178.00, to an amount not to exceed \$498,185.00, Account 501-50000-601410, Purchase Order 3072042

Approved

- 19 [13-0373](#) Authority to increase purchase order and amend the agreement with CH2M Hill Engineers, Inc. for professional engineering services for Contract 10-883-5F Final Design for Flood Control Projects on Tinley Creek, Navajo Creek and Cherry Creek East Branch, in an amount of \$34,532.88, from an amount of \$1,223,317.54, to an amount not to exceed \$1,257,850.42. Account 501-50000-601420, Purchase Order 3070442

Approved

- 20 [13-0374](#) Authority to decrease Contract 07-220-3P Primary Settling Tanks and Grit Removal Facilities, CWRP, to F.H. Paschen/S.N. Nielsen, Inc./IHC Construction Companies, LLC, a Joint Venture in an amount of \$7,019,643.93, from an amount of \$233,886,242.26, to an amount not to exceed \$226,866,598.33, Account 401-50000-645650, Purchase Order 5000954
- Attachments:** [CO 07-220-3P.PDF](#)
- Approved**
- 21 [13-0375](#) Authority to decrease Contract 04-202-4F Connecting Tunnels & Gates, Thornton Composite Reservoir, Calumet Service Area, to Walsh/II in One Joint Venture in an amount of \$50,000.00, from an amount of \$135,485,715.49, to an amount not to exceed \$135,435,715.49, Account 401-50000-645600, Purchase Order 5001136
- Attachments:** [CO 04-202-4F.pdf](#)
- Approved**
- 22 [13-0376](#) Authority to decrease Contract 05-018-2S (REBID) Sewer & Structure Rehabilitation, North Service Area, to Kenny Construction Company in an amount of \$51,335.38, from an amount of \$4,002,344.96, to an amount not to exceed \$3,951,009.58, Account 401-50000-645700, Purchase Order 5001248
- Attachments:** [CO 05-018-2S.pdf](#)
- Approved**
- 23 [13-0377](#) Authority to increase Contract 09-176-3P Sludge Thickening Facilities, Stickney Water Reclamation Plant, to McHugh Construction in an amount of \$98,906.72, from an amount of \$165,355,046.11, to an amount not to exceed \$165,453,952.83, Account 401-50000-645650, Purchase Order 5001115
- Attachments:** [CO 09-176-3P.PDF](#)
- Approved**
- 24 [13-0384](#) Authority to increase purchase order and amend the agreement with AT&T Corporation, for Contract 10-RFP-08 Broadband Internet Access Services, in an amount of \$102,697.39 from an amount of \$359,001.60 to an amount not to exceed \$461,698.99, Account 101-27000-612210, Purchase Order 3069419.
- Approved**

- 25 [13-0386](#) Authority to increase purchase order with the law firm of Beveridge & Diamond, P.C. to represent the District in connection with *Natural Resources Defense Council, Inc. et al. v. Metropolitan Water Reclamation District of Greater Chicago*, Case No. 11-CV-2937, in an amount of \$450,000.00, from an amount of \$850,000.00, to an amount not to exceed \$1,300,000.00, Account 101-30000-601170, Purchase Order 3069593

Attachments: [PO 3069593 Beveridge Diamond 4.18.13.pdf](#)

Approved

- 26 [13-0395](#) Authority to decrease purchase order and amend the agreement with Avaya Inc., to furnish and deliver scheduled and non-scheduled maintenance, programming assistance, system upgrades and enhancements in an amount of \$56,838.67, from an amount of \$1,460,577.89, to an amount not to exceed \$1,403,739.22, Account 101-27000-612840, Purchase Order 3046979

Attachments: [PO 3046979 Change Order Log.PDF](#)

A motion was made by Cynthia M. Santos, seconded by Frank Avila, that this Agenda Item be Approved. The motion carried by the following roll call vote:

Aye: 8 - Frank Avila, Barbara J. McGowan, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Kari K. Steele, Patrick D. Thompson, Kathleen Therese Meany

Abstain: 1 - Michael A. Alvarez

Budget & Employment Committee

Authorization

- 27 [13-0342](#) Authority to transfer 2013 departmental appropriations in the amount of \$1,500.00 in the Corporate Fund

Attachments: [04.18.13 Board Transfer BF5.pdf](#)

Approved

Engineering Committee

Report

- 28 [13-0368](#) Report on change orders authorized and approved by the Director of Engineering during the month of March 2013

Attachments: [CO March.pdf](#)
 [CO Status.pdf](#)

Published and Filed

Authorization

- 29 [13-0388](#) Authorization to enter into an intergovernmental agreement by and between the Metropolitan Water Reclamation District of Greater Chicago and the City of Evanston, for the replacement of the Davis Street Sewer, with payment to the City not to exceed \$860,353.00 for said replacement, Account 401-50000-645600 (*As Revised*)
- Approved**

Judiciary Committee**Authorization**

- 30 [13-0333](#) Authority to settle the Workers' Compensation claim of Kevin Maciaszek vs. MWRDGC, Case No. 12 WC 13301, Illinois Workers' Compensation Commission (IWCC), in the sum of \$37,839.19. Account 901-30000-601090
- Approved**
- 31 [13-0334](#) Authority to settle the Workers' Compensation Claim of Thomas Frederick vs. MWRDGC, Claim No. 200005144, in the sum of \$29,447.10, Account 901-30000-601090
- Approved**
- 32 [13-0335](#) Authority to settle the Workers' Compensation Claim of David Love vs. MWRDGC, Case No. 12 WC 029038, Illinois Workers' Compensation Commission (IWCC), in the sum of \$44,042.87. Account 901-30000-601090
- Approved**
- 33 [13-0343](#) Authority to settle Show Cause Action, Metropolitan Water Reclamation District of Greater Chicago v. Village of Schiller Park and Harry Psarros, Violation Complaint No. 10-009-VC, Permit Application No. 10-027, and to approve the final order of the Hearing Officer setting forth findings of fact, conclusions of law and the recommendation of settlement and dismissal of the Show Cause Action.
- Attachments:** [4-18-2013 judiciary-attachment schiller park.PDF](#)
- Approved**
- 34 [13-0346](#) Authority to settle Rush University Medical Center 2011 User Charge liability in the total amount of \$204,626.37, and with a credit in the amount of \$19,708.64, Board Appeal No. 12B-003
- Approved**

- 35 [13-0353](#) Request for Order adopting Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Fine in the amount of \$73,341.00 to the Board of Commissioners for the Show Cause Complaint for the violation of the Metropolitan Water Reclamation District Sewage and Waste Control Ordinance in the matter of *Metropolitan Water Reclamation District of Greater Chicago v. Biodyne Lansing, Inc. d/b/a Prairie Lansing Landfill*, Enforcement Action Nos. 69235, 70827, 70707, et al. (As Revised)

Attachments: [4-18-2013 Judiciary-attachment Biodyne.PDF](#)

Approved

Pension, Human Resources & Civil Service Committee

Report

- 36 [13-0341](#) Report on Employee Wellness Survey Results

Deleted by the Executive Director

Authorization

- 37 [13-0340](#) Authorization to implement an emergency room co-payment for non-represented employees and retirees

Approved

Public Information & Education

Authorization

- 38 [13-0344](#) Authority to participate in the State of Illinois Environmental Protection Agency's Household Hazardous Waste Collection Program.

Attachments: [zoo indemnification.pdf](#)

Approved

Real Estate Development Committee

Authorization

- 39 [13-0356](#) Authority to commence statutory procedures to lease 3.5 acres of District real estate located at 2125 Fulton Avenue in Blue Island, Illinois, and known as Cal-Sag Channel Parcel 15.09 and to waive the policy of authorizing leases for no longer than a 60-year term for commercial development

Attachments: [04-18-13 TCB.pdf](#)

Deferred by Mariyana T. Spyropoulos

- 40 [13-0358](#) Consent to the City of Blue Island's early surrender of its 25-year lease agreement on 3.5 acres of District real estate located at 2125 Fulton Avenue in Blue Island and known as Cal-Sag Channel Parcel 15.09 for use as a Metra commuter parking lot. Consideration shall be \$10.00

Attachments: [04-18-13 City of Blue Island.pdf](#)

Deferred by Mariyana T. Spyropoulos

- 41 [13-0360](#) Authority to purchase the real estate commonly known as 12901 South Central Avenue, Lot 2, Crestwood, Illinois comprising 1.43 acres and authority for payment to Richard D. Boonstra and Marlene A. Boonstra, the owners of said real estate, in connection with Contract 10-883-AF relating to the Flood Control/Streambank Stabilization Project ("Project") on Tinley Creek in Crestwood, Illinois in an amount not to exceed \$270,000.00 plus closing costs. Account 501-50000-656010, Stormwater Management Fund

Attachments: [Attachment 12901 S. Central 4.18.13.pdf](#)

Approved

- 42 [13-0361](#) Authority to amend lease agreement dated July 10, 2008, between the District and Trinity Christian College to: (1) surrender a 13.15 acre portion of its 78.33 acre leasehold located south of the Cal-Sag Channel between Ridgeland Avenue and 127th Street in Alsip, Illinois; Cal-Sag Channel Parcels 10.03 & 11.03, (2) reduce the annual rental amount from \$68,000.00 to \$56,576.00, and (3) extend the construction completion date to December 31, 2015. Consideration shall be a \$2,500.00 document preparation fee (As Revised)

Attachments: [04-18-13 TCC.pdf](#)

Approved

- 43 [13-0362](#) Authority to amend the permit agreement dated April 5, 2012, issued to U. S. Geological Survey to maintain, repair and remove one monitoring borehole on District Main Channel Parcel 25.03 located between the Des Plaines River and the Main Channel in Lemont, DuPage County, Illinois, to allow for the installation and maintenance of additional monitoring boreholes on Main Channel 24.08. Consideration shall be a nominal fee of \$10.00

Attachments: [04-18-13 USGS.pdf](#)

Approved

- 44 [13-0364](#) Authority to issue a 1-day permit to Friends of the Chicago River to access District land at 16 locations along the North Branch of the Chicago River, North Shore Channel, Main Channel, and the Cal-Sag Channel, in the County of Cook, State of Illinois, for its Annual Chicago River Day Clean-Up Event on May 11, 2013. Consideration shall be a nominal fee of \$10.00

Attachments: [04-18-13_FCR.pdf](#)

Approved

- 45 [13-0365](#) Authority to issue a 5-day permit to Cook County School District 130 to use approximately 12.13 acres of District land located between Division and Chatham Streets in Blue Island, Illinois, Cal-Sag Channel Parcel 15.04, for Lincoln School Field Day events from May 20, 2013 through May 24, 2013. Consideration shall be a nominal fee of \$10.00

Attachments: [04-18-13_CCSD 130.pdf](#)

Approved

- 46 [13-0366](#) Authority to amend lease agreement dated October 7, 1993, between the District and the Alsip Park District on 22.65 acres located east of Cicero Avenue and north of the Cal-Sag Channel on Cal-Sag Channel Parcel 12.01 in Alsip, Illinois, to add Cal-Sag Channel Parcels 11.02, 11.03, 12.03, 12.11 and part of Parcel 10.03 comprising an additional 55.66 acres for a total new leasehold area of 78.34 acres for public recreational purposes, including construction, operation and maintenance of the Calumet-Sag Trail and to extend the lease term for an additional 20 years. Consideration shall be a nominal fee of \$10.00

Attachments: [04-18-13_Alsip Park District.pdf](#)

Approved

Additional Agenda Items

- 47 [13-0397](#) Authority to increase Contract 09-419-12, Elevator Maintenance and Repair Service at the Main Office Building Complex for a Three-Year Period, with Parkway Elevators, Inc., for an additional ninety-day period, in an amount of \$10,000.00, from an amount of \$133,849.39, to an amount not to exceed \$143,849.39, Account 101-15000-612370 and 612390, Purchase Order 5001112

Attachments: [Increase & Extend Contract 09-419-12 PO 5001112 Change Order Log Attac](#)

Approved

- 48 [13-0398](#) MEMORIAL RESOLUTION sponsored by the Board of Commissioners extending sympathy and condolences to the family of Nicholas J. Melas (*As Revised*)

A motion was made by Mariyana T. Spyropoulos, seconded by Barbara J. McGowan, that this Memorial Resolution be Adopted. The motion carried by acclamation. Chorus of ayes - No nays

- 49 [13-0400](#) Authority to increase purchase order and amend the agreement with Tetra Tech, Inc., for professional services in connection with environmental site investigations of MWRDGC-owned land, in an amount of \$374,449.00, from an amount of \$255,000.00, to an amount not to exceed \$629,449.00, Account 901-30000-667220, Purchase Order 3076477

Attachments: [10-619-12 030813.pdf](#)

Approved

Approval of the Consent Agenda with the exception of Items: 13, 14, 26, 36, 39, 40, 48 and 50

A motion was made by Debra Shore, seconded by Frank Avila, to Approve the Consent Agenda. The motion carried by the following roll call vote:

Aye: 9 - Michael A. Alvarez, Frank Avila, Barbara J. McGowan, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Kari K. Steele, Patrick D. Thompson, Kathleen Therese Meany

- 50 [13-0401](#) Motion to reconsider the vote on Agenda Item No. 6, File No. 13-0294 from Board meeting of April 4, 2013

Attachments: [4.18.13 Item 6, File No. 13-0294.pdf](#)

A motion was made by Michael A. Alvarez, seconded by Debra Shore, that this Motion be Adopted. The motion carried by the following roll call vote:

Aye: 9 - Michael A. Alvarez, Frank Avila, Barbara J. McGowan, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Kari K. Steele, Patrick D. Thompson, Kathleen Therese Meany

13-0294A

Authorization to accept initial annual rental bid of \$68,501.00 from and enter into a lease with the Wilmette Harbor Association for a 39-year term on 6.19 acres of District real estate, including the Wilmette Harbor, located at 20 Harbor Drive in Wilmette, Illinois; North Shore Channel Parcels 1.02, 1.03 & 1.04, Lease Number 12-370-11 (*Deferred from March 7 and March 21, 2013 Board Meetings; Failed at the April 4, 2013 Board Meeting*)

A motion was made by Michael A. Alvarez, seconded by Cynthia M. Santos, that this Agenda Item be Approved. The motion carried by the following roll call vote:

Aye: 9 - Michael A. Alvarez, Frank Avila, Barbara J. McGowan, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Kari K. Steele, Patrick D. Thompson, Kathleen Therese Meany

Meeting Summary

Speakers

The Family of Nicholas J. Melas accepted the memorial resolution extending sympathy and condolences (Re: Miscellaneous and New Business Item #48)

Fritz Duda, President of Wilmette Harbor Management Inc. and Brian Abbott a Wilmette resident expressed concerns regarding the lease (Re: Miscellaneous and New Business Item #50)

Sarah Wick, Community Builders; Donald E. Peloguin, Mayor of Blue Island; and Josh Ellis, Metropolitan Planning Council, addressed the Board regarding the lease (Re: Real Estate Item #39)

George Blakemore a concerned citizen addressed the Board on various items (Re: Public Information & Education Item #38, Real Estate Item #39, and Miscellaneous and New Business Item #50)

Summary of Requests

- 1. Debra Shore requested staff include project numbers on board transmittal letters (Re: Procurement Item #18 and #41)*
- 2. Mariyana T. Spyropoulos asked the date and time the Hazardous Waste Collection Program will take place (Re: Public Information & Education Item #38)*
- 3. Frank Avila requested the District look into doing this program all year round verses one day a year (Re: Public Information & Education Item #38)*
- 4. Michael A. Alvarez inquired on what the potential downfall of the lease would be (Re: Real Estate Item #39)*

Study Session

None

Announcements

None

Board Letter Submission Dates

The next regular board meeting is scheduled for May 2, 2013, please prepare and submit Board items before the following absolute cutoff dates.

Date agenda items are due to the Director of Procurement and Materials Management for signature and preparation: April 19, 2013

Date agenda items are due to the Executive Director for signature and preparation: April 23, 2013

Date all agenda items are due to the Executive Director: 1:00 p.m., April 24, 2013

Adjournment

A motion was made by Barbara J. McGowan, seconded by Mariyana T. Spyropoulos, when the Board adjourns, it adjourns to meet again on Thursday, May 2, 2013 at 10:00 a.m., and also move that today's meeting be adjourned.

The motion carried by the following roll call vote:

/s/ Jacqueline Torres, Clerk

APPROVAL:

In accordance with the provisions of 70ILCS 2605/4, each of the foregoing agenda items duly adopted by the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago this April 18, 2013, are hereby approved.

APPROVED:

/s/ Kathleen Therese Meany

President Board of Commissioners of the

Metropolitan Water Reclamation District of Greater Chicago

April 18, 2013